

910.3 Determination of amount of restitution.

1. The prosecuting attorney shall prepare a statement of pecuniary damages to victims of the defendant and, if applicable, any award by the crime victim compensation program and expenses incurred by public agencies pursuant to [section 321J.2, subsection 13](#), paragraph “b”, and shall provide the statement to the presentence investigator or submit the statement to the court at the time of sentencing.

2. The clerk of court shall prepare a statement of court-appointed attorney fees ordered pursuant to [section 815.9](#), including the expense of a public defender and court costs, which shall be provided to the presentence investigator or submitted to the court at the time of sentencing.

3. If the statements in [subsection 1 or 2](#) are provided to the presentence investigator, they shall become a part of the presentence report.

4. If pecuniary damage amounts are not available or are incomplete at the time of sentencing, the prosecuting attorney shall provide a statement of pecuniary damages incurred up to that time to the clerk of court.

5. The statement of pecuniary damages shall ordinarily be provided no later than thirty days after sentencing. However, a prosecuting attorney may file a statement of pecuniary damages within a reasonable time after the prosecuting attorney is notified by a victim of any pecuniary damages incurred.

6. If a defendant believes no person suffered pecuniary damages, the defendant shall so state.

7. If the defendant has any mental or physical impairment which would limit or prohibit the performance of community service, the defendant shall so state. The court may order a mental or physical examination, or both, of the defendant to determine a proper course of action.

8. The court shall enter a permanent restitution order setting out the amount of restitution including the amount of community service to be performed as restitution and the persons to whom restitution must be paid. A permanent restitution order entered at the time of sentencing is part of the final judgment of sentence as defined in [section 814.6](#) and shall be considered in a properly perfected appeal. An appellate court shall not review or modify any issue related to a defendant’s ability to pay unless the defendant has exhausted the defendant’s remedies under [section 910.7](#) and obtained a ruling from the district court prior to the issue being raised in the appellate court.

9. If the full amount of restitution cannot be determined at the time of sentencing, the court shall issue a permanent restitution order setting forth the amount of restitution identified up to that time.

10. A permanent restitution order may be superseded by subsequent orders if additional or different restitution is ordered. A permanent restitution order entered after the time of sentencing shall only be challenged pursuant to [section 910.7](#).

[C75, 77, §789A.8; C79, 81, §907.12; 82 Acts, ch 1162, §4]

84 Acts, ch 1041, §1; 91 Acts, ch 219, §30; 94 Acts, ch 1142, §17; 97 Acts, ch 140, §4; 97 Acts, ch 177, §36; 2002 Acts, ch 1119, §197; 2003 Acts, ch 113, §4; 2010 Acts, ch 1124, §8, 9; 2020 Acts, ch 1074, §74, 83; 2021 Acts, ch 80, §377; 2021 Acts, ch 145, §8

Referred to in [§321J.2, 462A.14, 815.14, 910.3B, 915.21, 915.94](#)

See Code editor’s note on simple harmonization at the beginning of this Code volume
Subsections 7 and 8 amended